# IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 289 OF 2006

SHRI PRAMOD RANE, THROUGH LAWFUL ATTORNEY MR. PAUL SEQUIRA ....Petitioner

Versus

SHRI RAGHOBA @ APPA ARJUN SHETGAONKAR ....Respondent

S.S.Kantak with Ms.Rakhi M. Chodankar for the petitioner.

S.D.Lotlikar, Senior Advocate with Ms.Shreya Naik for the Respondent.

Coram:- V.C.DAGA, J.

Date:- 27th July, 2006

P.C. :

Leave to amend.

This petition is, essentially, directed against the order dated 1st March, 2006 passed below Exh.39 in Special Civil Suit No.71/2001/B by the Civil Judge, Senior Division, Mapusa permitting the defendant/ respondent to lead evidence.

The dispute, essentially, relates to the immovable property owned by the respective parties. The question to be decided in the suit is as to whether the suit property has been encroached upon by any of the parties. The plaintiff is asserting his own rights whereas defendant is asserting his rights to counter.

Having heard both parties, during the course of hearing, learned counsel for both parties submitted that both parties be allowed to lead evidence by fixing time-frame for disposal of the suit, so as to avoid any possibility of remand by the lower appellate Court in future.

Considering the submissions made, I see no difficulty in accepting the joint prayer made by the parties. In this view of the matter, trial Court is directed to permit both, plaintiff and defendant; to lead evidence in respect of their rival contentions. After recording evidence, it would be open for the trial Court to appreciate evidence on its own merits. Considering the age of the suit and controversy involved, the trial Court is directed to dispose of the suit as expeditiously as possible, at any rate, within one year from the date of receipt of this order. Impugned order is modified accordingly.

Petition stands disposed of in terms of this order with no order as to costs.

V.C.DAGA, J.

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